

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 5, 2003 ("Office Action"). At the time of the Office Action, Claims 1-37 were pending in the application. In the Office Action, the Examiner rejects Claims 1, 3, 4, 6, 16, 18, 19, and 21; and objects to Claims 2, 5, 7-15, 17, 20, and 22-30. Applicants note with appreciation the Examiner's allowance of Claims 31-37. Applicants amend Claim 8 to correct a typographical error. Applicants do not admit that these amendments were necessary as a result of any cited art.

Section 102 Rejections

The Examiner rejects Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,182,528 issued to Zuta ("*Zuta*"). Applicants respectfully request reconsideration and allowance of Claim 1.

At the outset, Applicants respectfully submit that the Examiner misapplies the teachings of *Zuta* to the method of Claim 1. *Zuta* is limited to a frequency synthesizer having an oscillator for generating a desired output frequency. The oscillator is coarse tuned by a digital signal to select one of a plurality of frequency ranges, and is fine tuned using an analog signal to select a desired frequency within the selected frequency range. (Abstract; col. 1, ll. 34-42; and col. 3, ll. 26-30). A frequency measuring unit 40 and a computer 60 are used in a feedback loop to compare the actual frequency generated by the oscillator against the desired frequency, and to adjust the digital and analog signals applied to the oscillator based on that comparison. (Abstract; col. 1, l. 42 through col. 2, l. 9; col. 2, ll. 18-28; Figure 1; and col. 3, l. 26 through col. 4, l. 7).

The operation of *Zuta* has nothing to do with the method performed in Claim 1. In particular, neither the coarse tuning, fine tuning, nor the feedback operations of *Zuta*, directed to achieving a desired frequency, teach, suggest, or disclose "b) measuring a frequency of a voltage-controlled oscillator (VCO) **for a plurality of capacitance value/voltage level combinations to obtain a set of capacitance values and a corresponding set of frequency values for a set of voltage levels**" or "c) selecting a capacitance value such that a corresponding frequency range covers the frequency band of interest, the corresponding frequency range determined by an output voltage of a digital-to-analog converter," or "d) repeating operation c) for each frequency band of interest" as recited, in part, in Claim 1.

Moreover, the Examiner's reference to particular FIGURES in *Zuta* do not explain in any way a mapping of the operation of *Zuta* to the method of Claim 1. Instead, it appears that the Examiner has identified certain elements within *Zuta* that resemble certain elements described in the pending application, and has assumed that the operation is the same. This is simply not the case. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1.

Section 103 Rejections

The Examiner rejects Claims 3-4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Zuta*. Claims 3-4, and 6 depend from Claim 1 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 3-4 and 6.

The Examiner rejects Claims 16, 18-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Zuta* in view of U.S. Patent No. 6,366,393 issued to Feulner et al. ("*Feulner*"). For at least the reasons set forth above with regard to Claim 1, Applicants respectfully request reconsideration and allowance of Claim 16. Claims 18-19, and 21 depend from Claim 16 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 18-19, and 21.

The Examiner objects to Claims 2, 5, 7-15, 17, 20, and 22-30 as being dependent upon a rejected base claim, but indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants decline the Examiner's invitation to rewrite Claims 2, 5, 7-15, 17, 20, and 22-30 in independent form at this time in light of the arguments set forth above. Claims 2, 5, 7-15, 17, 20, and 22-30 depend from independent claims shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2, 5, 7-15, 17, 20, and 22-30.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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